

# Exhibit 4

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FEDERAL TRADE COMMISSION

13 UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

14 Federal Trade Commission,  
Plaintiff,

15 v.

16 Grand Canyon Education, Inc., *et al.*,  
Defendants.

No. CV-23-02711-PHX-DWL

**PLAINTIFF'S RESPONSE TO  
DEFENDANT MUELLER'S FIRST  
SET OF INTERROGATORIES TO  
PLAINTIFF FEDERAL TRADE  
COMMISSION**

19 In accordance with Federal Rules of Civil Procedure 26 and 33, Plaintiff Federal  
20 Trade Commission ("FTC" or "Commission") hereby responds to Defendant Mueller's  
21 First Set of Interrogatories to Plaintiff Federal Trade Commission. The FTC's responses  
22 to the Interrogatories represent the FTC's present knowledge based on its investigation,  
23 information, and preparation to date. The FTC reserves the right to supplement, revise,  
24 modify, or otherwise change or amend its responses to the Interrogatories.

**OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS**

1. The FTC objects to the Interrogatories to the extent that they seek to impose on the FTC any obligations beyond those provided for in the Federal Rules of Civil Procedure. The FTC also disregards Instruction VII and VIII insofar as they are inconsistent with or are intended to displace the Stipulated Order Regarding ESI Protocol in this action (ECF No. 95).

2. The Commission objects to the breadth of the definition of “Plaintiff,” “you,” “your” or “yours” that accompanies these First Set of Requests. Interrogatories that incorporate this Definition are overly broad, unduly burdensome, and disproportionate to the needs of the case to the extent that it defines these terms to include any individuals not involved in the investigation of GCU and GCE that gave rise to this Litigation, and are not assigned to or involved in the investigation or Litigation. Furthermore, to the extent this definition encompasses pre-decisional documents prepared for Commissioners by their professional staffs, by the FTC’s General Counsel, or by other FTC components in aid of the Commission’s decision to commence litigation, the definition encompasses material subject to the attorney-client privilege, the deliberative-process privilege, and the work product doctrine.

3. The Commission objects to requests that include the term “Defendant,” because the term is defined to refer “singularly and collectively to Brian Mueller, Grand Canyon University, and/or Grand Canyon Education.” Because of this definition, requests that use the term “Defendant” are ambiguous.

4. The FTC objects to definitions that provide that terms or phrases request “a full description and narrative account of the act, transaction relationship, thing or occurrence inquired into, and identify the dates places, persons involved and any witnesses to the act, transaction, relationship thing or occurrence,” and demand, through enumerated subparts, additional details for each person, entity, writing, communication or

1 occurrence. *See* Definition F. Interrogatories requesting such narratives and details are  
2 overly broad, unduly burdensome, and improper. *See FTC v. Am. eVoice, Ltd.*, No. CV  
3 13-03-M-DLC, 2017 WL 476617, at \*7 (D. Mont. Feb. 3, 2017); *Wilcox v. Changala*, No.  
4 CV-10- 3048, 2012 WL 12844083 (E.D. Wash. Jan. 18, 2012); *Lucero v. Valdez*, 240  
5 F.R.D. 591, 594 (D.N.M. 2007). Furthermore, the Commission objects that requests  
6 incorporating these definitions are unduly burdensome and harassing because the  
7 identifying information regarding the persons, firms, agencies, writings, communications  
8 and events are already available to Defendants and often uniquely within Defendants'  
9 control. Such details are also available in public records and documents already in  
10 Defendant Mueller's possession, custody, or control, including documents that were  
11 produced to the FTC prior to initiation of this suit, tax returns and financial reports of  
12 GCU or GCE, Documents available to the public on the docket of suits identified in the  
13 Commission's initial disclosures, and filings with the Securities and Exchange  
14 Commission ("SEC"). To the extent a request seeks details from such sources, the  
15 request is improper and disproportionate to the needs of this case because Defendant  
16 Mueller has more convenient access to the information, and demanding that the FTC  
17 create a comprehensive narrative, with details identifying persons, firms, writings,  
18 communications or events, is unduly burdensome, unnecessarily expensive, and  
19 harassing. *See* Fed. R. Civ. P. 26(b)(1), (b)(2)(C)(i).

20 The FTC objects that these Interrogatories are misdirected, premature, and unduly  
21 burdensome because they request that the FTC provide comprehensive accounts and  
22 detailed information that has not been provided in discovery or is the subject of  
23 outstanding requests, or is uniquely accessible to Defendants. The Commission does not  
24 have general access to information regarding Defendants' employees, or to relevant  
25 education records as Defendants have not initiated or completed the notice procedures in  
26 accordance with the Order entered in this action on October 9, 2024. Without discovery,

1 the Commission does not have access to details requested in these Interrogatories.  
2 Defendants also have unique access to information regarding the content of and changes  
3 to websites, enrollment agreements, catalogues, advertising and marketing solicitations,  
4 and other material. The burden of requiring the Commission to provide details that the  
5 Commission must obtain through discovery outweighs the benefit of such discovery and  
6 is not proportional to the needs of this Litigation, particularly given Defendants' control  
7 of such information, the limitations on discovery, and the stage of discovery. Insofar as  
8 the Interrogatories seek a complete recitation of supporting facts, or identification of  
9 witnesses, events, communications, or documents that provide substantial support for  
10 allegations, requests for unnecessarily comprehensive and detailed answers are premature  
11 at this stage. Many facts and events are not contested, the content of documents is not in  
12 dispute, and Defendants have yet to provide discovery necessary for the complete response  
13 demanded by the Interrogatories.

14 5. The Commission is disregarding the definition of the term "referenced," which is  
15 described as being applicable to "any request seeking documents referenced in Plaintiff's  
16 response to an interrogatory," (Definitions M). The interrogatories are not document  
17 requests and do not include the term "referenced." The definition is either inapplicable  
18 to these interrogatories, or must be disregarded to avoid ambiguity.

### 19 **INTERROGATORY RESPONSES**

20 **INTERROGATORY No. 1:** Identify Your communications with any student consumer  
21 group and/or student advocacy group about or concerning or relating to any Defendant,  
22 individually or collectively.

#### 23 **INTERROGATORY RESPONSE NO. 1:**

24 The FTC objects that this Interrogatory fails to describe the information requested  
25 with reasonable particularity, is ambiguous, and is overbroad in requesting the FTC  
26 identify communications with any student consumer group and/or student advocacy

1 group about or concerning or relating to any Defendant individually or collectively  
2 without regard to whether the communication pertained to the claims or defenses in the  
3 Amended Complaint, without regard to whether the communication involved  
4 information the FTC generally provides to the public regarding litigation, or whether the  
5 recipient of the information was identified as a representative of a student consumer  
6 group and/or student advocacy group. The FTC makes information about its official  
7 actions, including the claims and defenses in this action, available to the public and in  
8 response to inquiries, and student consumer groups and student advocacy group may  
9 receive information through these channels. *See, e.g.,* [https://www.ftc.gov/legal-](https://www.ftc.gov/legal-library/browse/cases-proceedings/grand-canyon-universitygrand-canyon-education)  
10 [library/browse/cases-proceedings/grand-canyon-universitygrand-canyon-education;](https://www.ftc.gov/legal-library/browse/cases-proceedings/grand-canyon-universitygrand-canyon-education)  
11 [https://www.ftc.gov/news-events/news/press-releases/2023/12/ftc-sues-grand-canyon-](https://www.ftc.gov/news-events/news/press-releases/2023/12/ftc-sues-grand-canyon-university-deceptive-advertising-illegal-telemarketing)  
12 [university-deceptive-advertising-illegal-telemarketing;](https://www.ftc.gov/news-events/news/press-releases/2023/12/ftc-sues-grand-canyon-university-deceptive-advertising-illegal-telemarketing) [https://www.ftc.gov/legal-](https://www.ftc.gov/legal-library/browse/testimony)  
13 [library/browse/testimony;](https://www.ftc.gov/legal-library/browse/testimony) <https://www.ftc.gov/foia/foia-reading-room>. Identification of  
14 these communications is not relevant to claims or defenses in this action, nor is it  
15 proportional to the needs of the Litigation. The Interrogatory is also overbroad and  
16 unduly burdensome because “communications” is defined in this Set of Interrogatories  
17 to include the conveying of thought or information, including non-verbal  
18 communication, and, thus, demands identification of interactions without regard to  
19 whether substantive information is conveyed, and communications that have no  
20 significance to the claims and defenses in this action. The Interrogatory’s request for the  
21 date, time, location, content, each participant or witness, and labels on any document  
22 with such communications (Definition F(4)), is also overbroad and unduly burdensome.

23 The FTC further objects that communications made in preparation for litigation or  
24 trial are protected by the work-product doctrine, and details requested by the  
25 Interrogatory are protected work product. Furthermore, the Interrogatory’s request for  
26 the date, time, location, content, substance, each participant or witness, and labels on any

document associated with such communications (Definition F(4)), is also overbroad and unduly burdensome. and the burden of compiling such details for protected communications is not proportional to the needs of the case.

The FTC construes this Interrogatory to seek communications between the FTC staff assigned to represent the FTC in this action with a student consumer group and/or student advocacy group about this Litigation. On September 24, 2024, counsel representing the FTC in this Litigation communicated with counsel for plaintiffs in *Smith v. Grand Canyon Education, Inc.*, USDC AZ, Docket No. 2:24-01410, a suit that the Commission has identified as a related case. Among the counsel of record for plaintiffs in *Smith v. Grand Canyon Education, Inc.*, are attorneys for the National Student Legal Defense Network. Details regarding the attorneys representing plaintiffs in *Smith v. Grand Canyon Education, Inc.*, are available in the public docket and pleadings in that action. The FTC objects that the Interrogatory's request for additional details demanded by instructions or definitions is unduly burdensome as information on counsel for these plaintiffs is available to Defendants, and substantive information is protected by the work product doctrine.

**INTERROGATORY No. 2:** Identify each communication You have had, from January 1, 2018 to the present, with any current or former employee, agent, contractor, or representative of any Defendant.

**INTERROGATORY RESPONSE NO. 2:**

The FTC objects to this Interrogatory as ambiguous and overbroad in requesting identification of each communication with any current or former employee, agent, contractor, or representative of any Defendant. The Interrogatory is not limited to communications of significance, or by ordinary meaning of communications, or to communications relevant to the claims or defenses in this Litigation. The Interrogatory

1 is also overbroad and unduly burdensome because “communications” is defined in this  
 2 Set of Interrogatories to include the conveying of thought or information, including non-  
 3 verbal communication, and, thus, demands identification of interactions without regard  
 4 to whether substantive information is conveyed, and communications that have no  
 5 significance to the claims and defenses in this action. Furthermore, the Interrogatory’s  
 6 request that the FTC catalogue the date, time, location, content, substance, each  
 7 participant or witness, and labels on any document associated with such communications  
 8 (Definition F(4)), is also overbroad and unduly burdensome. The details demanded by  
 9 the instructions and definitions bear little or no relevance to the claims and defenses in  
 10 this action, and the burden of compiling such details for protected communications is not  
 11 proportional to the needs of the case.

12 The FTC objects that this Interrogatory seeks information protected by the  
 13 informant’s privilege. *In re Perez*, 749 F.3d 849, 856 (9th Cir. 2014). Communications  
 14 with a current or former employee, agent, contractor, or representative in anticipation of  
 15 litigation or preparation for trial regarding the conduct alleged in the Amended  
 16 Complaint, and the recollections and mental impressions of Commission staff regarding  
 17 such Communications, are protected by the work-product doctrine. Details requested by  
 18 the Interrogatory are protected work product and the burden of compiling such details  
 19 for protected communications is not proportional to their relevance or the needs of the  
 20 case. Any communications responsive to a narrower request for communications  
 21 discussing activities described in the Commission’s claims in this Litigation are  
 22 protected by the aforementioned privileges or the work-product doctrine.

23  
 24 **INTERROGATORY No. 3:** Identify each meeting held under 16 C.F.R. § 4.15 (or by  
 25 written circulation) at or during which any Defendant was discussed, mentioned or

26 considered, including the date of any such meetings, the people in attendance, a



description and of the matter(s) discussed, mentioned or considered, and a summary of the FTC's decision or resolution with respect to the matter.

**INTERROGATORY RESPONSE NO. 3:**

The FTC objects to this Interrogatory as ambiguous and overbroad in requesting that the FTC identify each meeting held under 16 C.F.R. § 4.15 or by written circulation where any Defendant was discussed, mentioned, or considered, and does not limit the Interrogatory to meetings and matters related to this Litigation. The Interrogatory's request for the date, people in attendance, and matters "discussed, mentioned or considered" for each meeting is also overbroad and unduly burdensome, especially with respect to meetings that are irrelevant to the Litigation. Furthermore, the Interrogatory's request that the FTC identify each participant or witness, and labels on any document associated with such meetings (Definition F(4)), is also overbroad and unduly burdensome. The FTC further objects to the Interrogatory inasmuch as it requests information protected by the work-product doctrine, the informant's privilege, and the deliberative process privilege.

The FTC construes this Interrogatory to be limited to Commission meetings to vote on matters relating to the Litigation. On December 20, 2023, the Commission voted 3-0 to approve a motion to authorize filing the Complaint in this Litigation. On September 4, 2024, the Commission voted 3-0-2 (two Commissioners not participating) to approve a motion to authorize filing the First Amended Complaint in this Litigation.

**INTERROGATORY No. 4:** Identify each communication You have had with any plaintiff or putative class member (including their attorneys or agents) in the actions and proceedings involving Defendants identified on pages three and four of your initial disclosures (*Carr et al v. Grand Canyon University*, USDC AZ, Docket No. 2:19-05214; *Young v. Grand Canyon University*, USDC N. Ga., Docket No. 1:19-01707; *Young v.*

1 *Grand Canyon University*, 11<sup>th</sup> Cir., Docket No. 21-12564; *Fellows v. Grand Canyon*  
 2 *Education Inc.*, USDC W. Pa., Docket No. 1:18-00314; In Re Grand Canyon Education,  
 3 Inc. Securities Litigation, USDC DE, Docket No. 1:20-00639; *Ogdon v. Grand Canyon*  
 4 *University*, USDC AZ, Docket No. 2:22-00477; *Smith v. Grand Canyon Education, Inc.*,  
 5 USDC AZ, Docket No. 2:24-01410; *U.S. ex rel. MacKillop v. Grand Canyon University*,  
 6 USDC AZ, Docket No. 2:23-00467; *Walsh v. Grand Canyon Education, Inc.*, USDC DE,  
 7 Docket No. 1:20-00801).

#### 8 **INTERROGATORY RESPONSE NO. 4:**

9       The FTC objects that this Interrogatory fails to describe the information requested  
 10 with reasonable particularity, is ambiguous, and is overbroad in requesting the FTC  
 11 identify “each communication” any plaintiff or putative class member in the listed  
 12 proceedings, including their attorneys and agents. “Communication” is defined in the  
 13 Interrogatories in a manner that encompasses documents filed in the listed actions, and  
 14 requesting that the FTC identify documents and information received from public filings  
 15 made in these actions – including the complaints, briefs, and evidentiary submissions –  
 16 is unduly burdensome and not proportional to the needs of discovery in this action. The  
 17 dockets of the listed actions contain voluminous documents regarding Defendants’  
 18 activities in marketing educational services. Requiring identification of all documents  
 19 the Commission has received from publicly available filings from these actions is unduly  
 20 burdensome. Furthermore, the Interrogatory requests identification of communications  
 21 without regard to whether the communication pertained to the claims or defenses in the  
 22 Amended Complaint. Furthermore, the Interrogatory’s request that the FTC catalogue  
 23 the date, time, location, content, substance, each participant or witness, and labels on any  
 24 document associated with such communications (Definition F(4)), is also overbroad and  
 25 unduly burdensome. The details demanded by these instructions and definitions bear  
 26 little or no relevance to the claims and defenses, and the burden of compiling such

1 details is not proportional to the needs of the case. The Interrogatory is also overbroad  
2 and unduly burdensome because “communications” is defined in this Set of  
3 Interrogatories to include the conveying of thought or information, including non-verbal  
4 communication, and, thus, demands identification of interactions without regard to  
5 whether substantive information is conveyed, and communications that have no  
6 significance to the claims and defenses in this action.

7 The FTC further objects that communications made in preparation for litigation or  
8 trial are protected by the work-product doctrine, and details requested by the  
9 Interrogatory are protected work product, and the burden of compiling such details is not  
10 proportional to the needs of the case.

11 The FTC construes this interrogatory narrowly as a request for identification of  
12 direct communications between the FTC staff assigned to represent the FTC in this action  
13 and a plaintiff or putative class member (including their attorneys or agents) in the listed  
14 actions and proceedings. As stated in response to Interrogatory 1, on September 24,  
15 2024, counsel representing the FTC in this Litigation communicated with counsel for  
16 plaintiffs in *Smith v. Grand Canyon Education, Inc.*, USDC AZ, Docket No. 2:24-01410.  
17 The FTC objects that the Interrogatory’s request for additional details demanded by  
18 instructions or definitions is unduly burdensome as information that identifies counsel  
19 for these plaintiffs is accessible to Defendants. Other details requested by the  
20 Interrogatory and associated definitions are protected by the work product doctrine.

21  
22 **INTERROGATORY No. 5:** Identify all facts and documents that relate to, reference,  
23 and/or support your allegations in paragraph 7 of the First Amended Complaint that  
24 Brian Mueller “acting alone or in concert with others, [] has formulated, directed,  
25 controlled, had the authority to control, or participated in the . . . acts and practices  
26 described in [the First Amended Complaint]”.

27 PLAINTIFF’S RESPONSE TO DEFENDANT MUELLER’S FIRST SET OF INTERROGATORIES TO PLAINTIFF FEDERAL TRADE  
COMMISSION

**INTERROGATORY RESPONSE NO. 5:**

The FTC objects that this Interrogatory is improper and unduly burdensome because it requests that the FTC provide a comprehensive identification of every fact and document that relates to, references and/or supports the allegations in paragraph 7 of the First Amended Complaint, an allegation that, in turn, references acts and practices of Defendants GCE, GCU, and Mueller that span more than a decade. Identifying every fact and document would require an excessively laborious and time-consuming search and description of transactions and events, many of which are uncontested. Defendant's definitions and instructions multiply the burden by demanding enumerated details for each person, entity, document, communication, and event. The burden of creating such a comprehensive response would far outweigh any benefit to the needs of this case, particularly given that Defendant Mueller's control of, and participation in, the activities of GCE and GCU is established by his offices, and corporate records of GCE and GCU documenting his authority, role and official statements.

The FTC further objects that the request that the FTC identify all facts and documents that relate to or reference the allegations in paragraph 7 of the First Amended Complaint seeks information protected by the work-product doctrine, deliberative process privilege, informant's privilege, and law enforcement privilege by requesting facts and documents prepared in anticipation of litigation, and agency investigation and evaluation of the activities of the Defendants. Even if the request for facts and documents that relate to or reference the allegation is removed, the request for identification of all facts and documents with details regarding witnesses, events, communications, or documents (Definition F), is unduly burdensome, unnecessarily comprehensive, and premature. Furthermore, the Interrogatory's request for all facts and documents that support is overbroad, unduly burdensome, and premature; it is not limited

1 to significant support for specific, contested facts, and Defendants have yet to provide  
2 relevant discovery.

3  
4 **INTERROGATORY No. 6:** Identify all facts and documents that relate to, reference,  
5 and/or support your allegations in paragraph 66 of the First Amended Complaint that  
6 Defendants “engaged in the unlawful acts and practices willfully, and knowing that their  
7 representations were misleading, and their telemarketing practices did not comply with  
8 restrictions on abusive telemarketing practices.”

9 **INTERROGATORY RESPONSE NO. 6:**

10 The FTC objects that this Interrogatory is improper and unduly burdensome  
11 because it requests that the FTC provide a comprehensive identification of every fact and  
12 document that relates to, references and/or supports the allegations in paragraph 66 of  
13 the First Amended Complaint, an allegation that, in turn, references acts and practices of  
14 GCE and GCU that span more than a decade. Identifying every fact and document  
15 would require an excessively laborious and time-consuming search and description of  
16 transactions and events, many of which are uncontested. Defendant’s definitions and  
17 instructions multiply the burden by demanding enumerated details for each person,  
18 entity, document, communication, and event. The burden of creating such a  
19 comprehensive response would far outweigh any benefit to the needs of this case.  
20 Furthermore, requesting such a compilation of every fact or document is unduly  
21 burdensome because the nature of, and Defendants’ knowledge of, the representations  
22 and telemarketing practices is apparent from records of GCE and GCU documenting its  
23 decision to market GCU as a nonprofit, register as a telemarketer, access the National Do  
24 Not Call Registry, adopt telemarketing procedures, and use marketing materials.

25 The FTC further objects that the request that the FTC identify all facts and  
26 documents that relate to or reference the allegations in paragraph 66 of the First  
27 PLAINTIFF’S RESPONSE TO DEFENDANT MUELLER’S FIRST SET OF INTERROGATORIES TO PLAINTIFF FEDERAL TRADE  
COMMISSION

Amended Complaint seeks information protected by the work-product doctrine, deliberative process privilege, informant's privilege, and law enforcement privilege by requesting facts and documents prepared in anticipation of litigation, and agency investigation and evaluation of the activities of the Defendants. Even if the request for facts and documents that relate to or reference the allegation is removed, the request for identification of all facts and documents with details regarding witnesses, events, communications, or documents (Definition F), is unduly burdensome, unnecessarily comprehensive, and premature. Furthermore, the Interrogatory's request for all facts and documents that support is overbroad, unduly burdensome and premature; it is not limited to significant support for specific, contested facts, and Defendants have yet to provide relevant discovery.

**INTERROGATORY No. 7:** Identify all facts and documents that relate to, reference, and/or support your allegations in paragraph 14 of the First Amended Complaint that "Gazelle/GCU was organized by GCE and Defendant Mueller [for Gazelle University/GCU's own profit, and] to advance GCE's for-profit business and to advance Defendant Mueller's interests."

**INTERROGATORY RESPONSE NO. 7:**

The FTC objects that this Interrogatory is improper and unduly burdensome because it requests that the FTC provide a comprehensive identification of every fact and document that relates to, references and/or supports the allegations in paragraph 14 of the First Amended Complaint, an allegation that, in turn, refers to multi-year organizational activities that are discussed in voluminous documents, including SEC filings, IRS applications, applications to the Department of Education, accreditation proceedings, litigation by Grand Canyon University against the Department of Education, and suits by investors against Grand Canyon Education, Inc. Identifying

1 every fact and document would require an excessively laborious and time-consuming  
2 search and description of transactions and events, many of which are uncontested. The  
3 burden of creating such a comprehensive response would far outweigh any benefit to the  
4 needs of this case. Defendant's definitions and instructions multiply the burden by  
5 demanding enumerated details for each person, entity, document, communication, and  
6 event. The details demanded by these instructions and definitions bear little or no  
7 relevance to the claims and defenses, and the burden of compiling such details is not  
8 proportional to the needs of the case.

9       The FTC further objects that the request that the FTC identify all facts and  
10 documents that relate to or reference the allegations in paragraph 14 of the First  
11 Amended Complaint seeks information protected by the work-product doctrine,  
12 deliberative process privilege, informant's privilege, and law enforcement privilege by  
13 requesting facts and documents prepared in anticipation of litigation, and agency  
14 investigation and evaluation of the activities of the Defendants. Even if the request for  
15 facts and documents that relate to or reference the allegation is removed, the request for  
16 identification of all facts and documents with details regarding witnesses, events,  
17 communications, or documents (Definition F), is unduly burdensome, unnecessarily  
18 comprehensive, and premature. Furthermore, the Interrogatory's request for all facts and  
19 documents that support is overbroad, unduly burdensome, and premature; it is not limited  
20 to significant support for specific, contested facts, and Defendants have yet to provide  
21 relevant discovery.

22  
23 **INTERROGATORY No. 8:** If You contend that the terms of the Master Services  
24 Agreement between GCU and GCE disproportionately benefit GCE or are otherwise  
25 unfair to GCU, identify all facts and documents supporting that contention.

1 **INTERROGATORY RESPONSE NO. 8:**

2       The FTC objects that “disproportionally benefit GCE” and “otherwise unfair to  
3 GCU” are undefined and ambiguous, and the Commission’s First Amended Complaint  
4 does not contain such a contention. The FTC construes this Interrogatory as a request for  
5 the basis for the allegation that the fees GCE receives from GCU are “not proportionate to  
6 GCE’s costs for providing services to GCE,” First Amended Complaint ¶ 17. The fees  
7 GCE receives are described in the Master Services Agreement between Gazelle University  
8 and Grand Canyon Education, Inc., Exhibit D (GCU-FTC-007180-7182); Notes to  
9 Consolidated Financial Statements of Grand Canyon University since 2018; Notes to  
10 Consolidated Financial Statements of Grand Canyon Education, Inc., since 2018; and the  
11 Barclays Report (AR-C-001-56).

12       FTC objects that the request for “all facts and documents” is overly broad, unduly  
13 burdensome, and harassing; no legitimate purpose is served by requesting that the  
14 Commission catalog “all facts and documents” describing the terms of the Master Services  
15 Agreement or the cost of services. Facts and documents sufficient to support the  
16 allegation have been identified, and a request for comprehensive identification is  
17 premature as Defendants are withholding relevant discovery. Furthermore, the  
18 accompanying definition requesting details regarding witnesses, events, communications,  
19 or documents (Definition F) renders the request for identification of facts and documents  
20 unduly burdensome, and unnecessarily comprehensive. The FTC also objects that the  
21 Commission’s investigation and evaluation of the terms of the Master Services Agreement  
22 is protected by the work-product doctrine, the attorney-client privilege, and the  
23 deliberative process privilege.

24  
25 **INTERROGATORY No. 9:** Identify all facts and documents that relate to, reference,  
26 and/or support your allegations in paragraph 55 of the First Amended Complaint that  
27 PLAINTIFF’S RESPONSE TO DEFENDANT MUELLER’S FIRST SET OF INTERROGATORIES TO PLAINTIFF FEDERAL TRADE



1 “Defendants train telemarketers for GCU doctoral degree marketing campaigns with  
2 materials that describe the GCU doctoral programs as requiring twenty courses, which  
3 include only three dissertation courses.”

4 **INTERROGATORY RESPONSE NO. 9:**

5       The FTC objects that this Interrogatory is improper and unduly burdensome  
6 because it requests that the FTC provide a comprehensive identification of every fact and  
7 document that relates to, references and/or supports the allegations in paragraph 55 of  
8 the First Amended Complaint. Identifying every fact and document would require an  
9 excessively laborious and time-consuming search and description of transactions and  
10 events, many of which are uncontested. Defendant’s definitions and instructions  
11 multiply the burden by demanding enumerated details for each person, entity, document,  
12 communication, and event. The burden of creating such a comprehensive response  
13 would far outweigh any benefit to the needs of this case. Furthermore, requesting such a  
14 compilation of every fact or document is unduly burdensome because Defendants have  
15 previously identified and authenticated training presentations that exemplify the practice  
16 described in Paragraph 55. *See, e.g.*, GCE-FTC-CID-003-00006221, GCE-FTC-CID-  
17 003-00006146, GCE-FTC-CID-003-00006071.

18       The FTC further objects that the request that the FTC identify all facts and  
19 documents that relate to or reference the allegations in paragraph 55 of the First  
20 Amended Complaint seeks information protected by the work-product doctrine,  
21 deliberative process privilege, informant’s privilege, and law enforcement privilege by  
22 requesting facts and documents prepared in anticipation of litigation, and agency  
23 investigation and evaluation of the activities of the Defendants. Even if the request for  
24 facts and documents that relate to or reference the allegation is removed, the request for  
25 identification of all facts and documents with details regarding witnesses, events,  
26 communications, or documents (Definition F), is unduly burdensome, unnecessarily

1 comprehensive, and premature. Furthermore, the Interrogatory's request for all facts and  
2 documents that support is overbroad, unduly burdensome, and premature; it is not limited  
3 to significant support for specific, contested facts, and Defendants have yet to provide  
4 relevant discovery.

5 Signing for Objections

6  
7 /s/ Michael E. Tankersley

8 Michael E. Tankersley

9 Gregory Ashe

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18 *FEDERAL TRADE COMMISSION*

19  
20 DATED: December 9, 2024

**VERIFICATION**

As authorized representative of the Federal Trade Commission, I, Sandhya P. Brown, verify that the Answers in the foregoing Plaintiff's Response to Defendant Mueller's First Set Of Interrogatories to Plaintiff Federal Trade Commission are based on a reasonable inquiry and non-privileged information available to the Federal Trade Commission, and are true and correct to the best of my information and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the statements made in this declaration are true and correct.

EXECUTED on this 9th day of December 2024.

*/S/*

Sandhya P. Brown  
Associate Director  
Division of Financial Practices  
Bureau of Consumer Protection  
Federal Trade Commission